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10/660,945	09/12/2003	Erik P. Staats	APPL-P2829COA	6999

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EXAMINER	
PAULA, CESAR B	

ART UNIT	PAPER NUMBER
2178	

MAIL DATE	DELIVERY MODE
05/12/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/660,945	STAATS, ERIK P.	
	Examiner	Art Unit	
	CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,14-17 and 26-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *48-51* is/are allowed.

6)☒ Claim(s) *1-5,14-17,26-38 and 40-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the RCE amendment filed on 2/15/2008.

This action is made Non-Final.

2. In the amendment, claim 22 has been canceled. Claims 45-51 have been added. Claims 1-5, and 14-17, and 26-51 are pending in the case. Claims 1, 26 31, 37, 41, 45-46, 48 and 50 are independent claims.

Priority

3. This application is a continuation of co-pending United States Patent Application Serial Number **09/429,233, now pat. 6691096, filed October 28, 1999**.

Drawings

4. The drawings filed on 9/12/2003 have been accepted by the Examiner.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-5 remain rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-4, and 1 respectively of **U.S. Patent No. 6,691,096 B1, hereinafter 096** in view of Humpleman et al (Pat.# 6192094 B1, 1/30/2001, filed on 6/24/1998).

Regarding claim 1, 096 teaches the limitations of these claims, except for *present the hierarchy to a device requesting data.* However, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine 096, and Humpleman, because of all the reasons found in Humpleman, including being able to command and control a device without having to know any specific details about the particular device (col.6, lines 58-67).

This is a double patenting rejection.

Claim Rejections - 35 USC § 112

7. The rejections of claims 17, 22, and 28 rejected under 35 U.S.C. 112, second paragraph, have been withdrawn as necessitated by the amendment.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 46-47 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Claim 46 recites 'plurality of containers containing from said stream' line 4. The omitted elements are: 'said media control descriptor data', which specify what is included in the containers.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5, 11-16, 26-27, 29-35, 37, and 40-44 remain and 45 is newly rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al (Pat.# 6192094 B1, 1/30/2001, filed on 6/24/1998).

Regarding independent claim 1, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the home network. The buttons are GIF files that are retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *compile a plurality of containers from audio visual control descriptor data.*

Furthermore, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is retrieved from memory and displayed with the buttons included within it—*wherein at least a portion of said data is accessible via multiple memory addresses*. Accessing a home device button will only retrieve and display the respective home device's webpage-- *register one or more fields of said audio visual control descriptor data within each said container; arrange said containers into a logical hierarchy; present or display the hierarchy to a device requesting data; wherein said device requesting data can access individual ones of said plurality of containers thereby accessing portions of said audio visual control descriptor data without having to access all of said audio visual control descriptor data.*

Regarding claim 2, which depends on claim 1, Humpleman discloses converting a button to a hypertext link to the individual device. Each device button contains the device name within it (col.13, lines 21-57, fig. 5A)-- *associating addresses with each of said fields sequentially enumerated within each of said containers.*

Regarding claim 3, which depends on claim 2, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)-- *mapping said fields to a prescribed field list.*

Regarding claim 4, which depends on claim 3, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)-- *accessing any field within any container independently of any other container, and reading data from any field within any container without affecting the access to any other container.*

Regarding claim 5, which depends on claim 4, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the home network. The buttons are GIF files that are retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)- *said plurality of containers comprise in combination an audio visual control general object list descriptor.*

Regarding claim 14, which depends on claim 1, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)-- *at least one of said plurality of containers comprises a direct representation of a data field in an audio visual control descriptor.*

Regarding claim 15, which depends on claim 14, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A). The button is directly associated with the home device control link-- -- *wherein at least one of said plurality of containers comprises an alternate representation of a second audio visual control descriptor field.*

Regarding claim 16, which depends on claim 15, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's control webpage (col.13, lines 21-57, fig. 5A)-- *at least one of said plurality of containers comprises information on how to produce a third audio visual control descriptor field.*

Regarding independent claim 26, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the home network. The buttons are GIF files that are retrieved from the respective

home devices. A link contained in the button is used to retrieve the top page of the respective device when the user selects the button (col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *compile a plurality of containers containing media control descriptor data wherein at least a portion of said media control descriptor data is adapted to be accessed when its parent is accessed.*

Further, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is displayed with the buttons included within it. Accessing a home device button will only retrieve and display the respective home device's webpage *arrange said containers into a logical hierarchy; present or display the hierarchy to a device requesting data*

Furthermore, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons, with static hyperlinks, for each home device connected to the home network. The buttons are represented by a description of the device, and/or GIF files that could alternatively be retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)- *wherein said plurality of containers each comprise one or more data fields of an audio visual control descriptor data, wherein a first data field in a first one of said plurality of containers comprises a static data field and a second data field in a second one of said plurality of containers comprises a dynamic data field.*

Regarding claim 27, which depends on claim 26, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons, with static hyperlinks, for each home device connected to the home network. The buttons are represented by a description of the device, and/or GIF files that could alternatively be retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *wherein at least one of said plurality of containers comprises an alternate representation of a second audio visual control descriptor field.*

Regarding claim 29, which depends on claim 26, Humpleman discloses grouping the buttons in accordance to the location of the devices. The communication, and retrieval from the home devices is performed in accordance to the 1394 communications protocol (col.13, lines 57-67, col.4, lines 20-67, fig. 7). In other words, the retrieved icon data is identified. The sorting parameters are indicated. Then the icon data is read and reorganized and copied into memory where it is retrieved to be displayed to the user-- *identify a top level data container containing AV/C descriptor data. initialize compilation attributes; read the container data; and copy said read container data into a readable storage area.*

Regarding claim 30, which depends on claim 26, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)—*access any field within any container independently without affecting the access of any other container; and write data to any dynamic data field without affecting the access to any other container.*

Regarding independent claim 31, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the home network. The buttons are GIF files that are retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *compile a plurality of containers from a contiguous audio visual control descriptor data stream.*

Furthermore, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is displayed with the buttons included within it. Accessing a home device button will only retrieve and display the respective home device's webpage-- *register one or more fields of said audio visual control descriptor data stream within each said container; arrange said containers into a logical hierarchy; wherein individual ones of said plurality of containers associated with said audio visual control descriptor data stream are accessible by a device without affecting access to any other container, thereby allowing said plurality of containers to be substantially independent from another.*

Regarding independent claim 37, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from

the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is displayed to a device with the buttons included within it. Accessing a home device button will only retrieve and display the respective home device's webpage-- *read a contiguous media control descriptor data stream comprising a first format; compile a plurality of containers containing data from said stream, said plurality of containers comprising a second format; arrange said containers into a logical hierarchy; present or display the hierarchy to a device requesting data from said stream.*

Regarding independent claim 41, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is retrieved from memory and displayed with the buttons included within it—*wherein at least a portion of said data is accessible via multiple memory addresses*. Accessing a home device button will only retrieve and display the respective home device's webpage. -- *compile a plurality of containers each adapted to contain at least a portion of a media control descriptor data stream, said media control descriptor data comprising a plurality of data fields; arrange said containers into a logical hierarchy, each said containers comprising one or more of said plurality of data fields; present or display the hierarchy to a device requesting data*

Furthermore, Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons, with static hyperlinks, for each home device connected to the home network. The buttons are represented by a description of the device, and/or GIF files that could alternatively be retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)- *wherein a first data field of said plurality of data fields comprises a static data field in a first container and a second data field in said plurality of data fields comprises a dynamic data field in a second container.*

Regarding claim 42, which depends on claim 41, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)-- *access said static data field in said first container without affecting the access to said dynamic data field in said second container.*

Claims 32-35, and 43-44 are directed towards a computer readable medium like the one found in claims 2-5, and 2-3 respectively, and therefore are similarly rejected.

Regarding independent claim 45, Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button-- *create a plurality of containers, each container comprising at least a portion of a data stream*--to customize the button to point to the

appropriate device. The buttons are now part of a HTML hierarchy, where the device file of webpage is linked to the various webpages of the home devices. The webpage is retrieved from memory and displayed with the buttons included within it—*wherein at least a portion of said data is accessible via multiple memory addresses*. Accessing a home device button will only retrieve and display the respective home device's webpage-- *wherein a segment of the data stream is adapted to be accessed if its parent is accessed; arrange the containers into a logical hierarchy; receive a data request for data comprised within the data stream; and service the data request by accessing one or more of said containers.*

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 17, 28, and 38 remain, and 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman.

Regarding claim 17, which depends on claim 1, Humpleman discloses grouping the buttons in accordance to the location of the devices. The communication, and retrieval from the home devices is performed in accordance to the 1394 communications protocol (col.13, lines 57-67, col.4, lines 20-67, fig. 7). Humpleman fails to explicitly teach *recompiles said plurality of*

containers containing audio visual control descriptor data into a format compliant with revision 3.0 of the AV/C Digital Interface Command Set General specification. It would have been obvious to one of ordinary skill in the art to use data compliant with the specification, because of all the reasons found in Humpleman, including being able to command and control a device without having to know any specific details about the particular device (col.6, lines 58-67). This would have enabled a user to access effectively the command and control data appropriating any communications protocol.

Regarding claim 28, which depends on claim 26, Humpleman discloses grouping the buttons in accordance to the location of the devices. The communication, and retrieval from the home devices is performed in accordance to the 1394 communications protocol (col.13, lines 57-67, col.4, lines 20-67, fig. 7)-- Humpleman fails to explicitly teach *at least one instruction which when executed recompiles said plurality of containers containing audio visual control descriptor data into a format compliant with revision 3.0 of the AV/C Digital Interface Command Set General specification.* It would have been obvious to one of ordinary skill in the art to use data compliant with the specification, because of all the reasons found in Humpleman, including being able to command and control a device without having to know any specific details about the particular device (col.6, lines 58-67). This would have enabled a user to access effectively the command and control data appropriating any communications protocol.

Regarding claim 38, which depends on claim 37, Humpleman discloses converting a button to a hypertext link to the individual device. Accessing a home device button will retrieve

and display the respective home device's webpage (col.13, lines 21-57, fig. 5A)—*said plurality of containers are individually accessible by a device requesting data thereby allowing access to an individual container without affecting the access to any other container containing said media control descriptor data.* Humpleman fails to explicitly teach *wherein absent said plurality of containers, said media control descriptor data would have to be accessed as a whole*. It would have been obvious to one of ordinary skill in the art to access the properties file without having to retrieve the individual properties, because of all the reasons found in Humpleman including having all the properties in a single file (col.13, lines 16-29). This would have enabled a user to access quickly all of the properties in the file.

Regarding claim 40, which depends on claim 37, Humpleman discloses grouping the buttons in accordance to the location of the devices. The communication, and retrieval from the home devices is performed in accordance to the 1394 communications protocol (col.13, lines 57-67, col.4, lines 20-67, fig. 7).—. Humpleman fails to explicitly teach *said media control descriptor data is compliant with revision 3.0 of the AV/C Digital Interface Command Set General specification.* It would have been obvious to one of ordinary skill in the art to use data compliant with the specification, because of all the reasons found in Humpleman, including being able to command and control a device without having to know any specific details about the particular device (col.6, lines 58-67). This would have enabled a user to access effectively the command and control data appropriating any communications protocol.

Claim 47 are directed towards a storage device like the one found in claim 40, and therefore is similarly rejected.

14. Claim 36 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman, in view of Looney et al, hereinafter Looney (Pat.# 6,232,539 B1, 5/15/2001, continuation filed on 6/17/1998).

Regarding claim 36, which depends on claim 31, Humpleman discloses displaying and allowing a user to select controls for various devices (col.17, lines 36-67, col.18, lines 33-67, fig.10-13). Humpleman fails to explicitly disclose *establishing a read buffer in a memory space and setting the read buffer offset to zero; establishing a received address request as a starting address, establishing a received read length request as a length sought.* Looney discloses the queuing of a song to be played and setting a timer to 0. The user can then indicate the length of play time of a song selected to be played (col.2, lines 30-67, col.9, lines 33-47, col. 14, lines 37-50, col.10,lines 30-67, fig. 27). It would have been obvious to one of ordinary skill in the art to access the properties file without having to combine Humpleman, and Looney, because of all the reasons found in Looney including taking advantage of the latest advances in music storage, and data processing capabilities (col.1, lines 52-60).

Allowable Subject Matter

15. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Claims 48-51 are allowed.

Response to Arguments

17. Applicant's arguments filed on 2/15/2008 have been fully considered but they moot. Regarding claims 1, and 41, the Applicant indicates that Humpleman does not teach or suggest accessing a portion of the data using multiple memory addresses (page 10, lines 24-27, pages 12-13). The Examiner disagrees, because Humpleman discloses obtaining a property file information and respective URL of the device to convert a button to a hypertext link to the individual device (col.13, lines 21-67, fig. 12-17). In other words, the information retrieved from the properties file is inserted into the button to customize the button to point to the appropriate device. The webpage is retrieved from memory and displayed with the buttons included within it—*wherein at least a portion of said data is accessible via multiple memory addresses*.

Regarding claims 26, and 45, the Applicant indicates that Humpleman does not teach or suggest accessing a portion of the data whenever its parent is accessed (page 11, lines 5-13, page 13). The Examiner disagrees, because Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the

home network. The buttons are GIF files that are retrieved from the respective home devices. A link contained in the button is used to retrieve the top page of the respective device when the user selects the button or parent of the link data(col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *compile a plurality of containers containing media control descriptor data wherein at least a portion of said media control descriptor data is adapted to be accessed when its parent is accessed.*

Regarding claims 31-38, the Applicant indicates that Humpleman does not teach or suggest compiling a plurality of containers from a contiguous audio visual data (page 11, lines 27-page 12, line 29). The Examiner disagrees, because Humpleman discloses an auto-tree builder using a device list file to create a device HTML file that contains buttons for each home device connected to the home network. The buttons are GIF files that are retrieved from the respective home devices (col.13, lines 16-27, and 39-67, fig. 4, and 6)-- *compile a plurality of containers from a contiguous audio visual control descriptor data stream.*

Regarding the rest of the claims, the Applicant is directed towards the rejection, objection, and/or allowance of these claims above as necessitated by the amendment.

Conclusion

I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to http://portal.uspto.gov/external/portal/pair. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Or faxed to:

- **(571)-273-8300** (for **all** Formal communications intended for entry)

/CESAR B PAULA/
Primary Examiner, Art Unit 2178

5/12/2008